

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 RICHARD SALOMON,

5 Plaintiff,

6 vs.

7 SYLVANO A. GARCIA, *et al.*,

8 Defendants.

2:15-cv-00332-GMN-VCF

**ORDER**

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10 Before the court is Federal National Mortgage Association and Federal Housing Finance Agency's  
11 Motion to Stay Discovery (#49).

12 Fannie Mae and FHFA request that discovery in this matter be stayed pending the resolution of  
13 their Motion to Consolidate (#48) this action with defendants' class action that Fannie Mae, FHFA, and  
14 the Federal Home Loan Mortgage Corporation have filed in this District. Fannie Mae and FHFA request  
15 a stay in order to reduce the costs of litigation. (#49). Copper Palms Homeowners Association does not  
16 oppose the discovery stay (#57) and has been dismissed from this action (#61).

17 To date, no opposition from other parties has been filed and the time to oppose has passed. Under  
18 Local Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any motion  
19 shall constitute a consent to the granting of the motion. It would seem that the opposing parties have  
20 consented to the granting of the instant motion.

21 When evaluating a motion to stay discovery while a dispositive motion is pending, the court  
22 initially considers the goal of Federal Rule of Civil Procedure 1. The guiding premise of the Rules is that  
23 the Rules "should be construed and administered to secure the just, speedy, and inexpensive determination  
24 of every action." FED. R. CIV. P. 1. It needs no citation of authority to recognize that discovery is  
25 expensive. The Supreme Court has long mandated that trial courts should resolve civil matters fairly but

1 without undue cost. *Brown Shoe Co. v. United States*, 370 U.S. 294, 306 (1962). This directive is echoed  
2 by Rule 26, which instructs the court to balance the expense of discovery against its likely benefit. *See*  
3 FED. R. CIV. P. 26(B)(2)(iii).

4 Here, Fannie Mae and FHFA have sufficiently established good cause for granting the stay  
5 of discovery until the Motion to Consolidate (#48) has been decided. No dispositive motions have been  
6 filed in this matter.

7 Accordingly,

8 IT IS HEREBY ORDERED THAT Federal National Mortgage Association and Federal Housing  
9 Finance Agency's Motion to Stay Discovery (#49) is GRANTED pending the decision on the Motion to  
10 Consolidate. The proposed discovery plan and scheduling order must be filed 20 days after the Court's  
11 ruling on the Motion to Consolidate (#48).

12 DATED this 21st day of December, 2015.

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15 CAM FERENBACH  
16 UNITED STATES MAGISTRATE JUDGE  
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